Claim Status

Claims 1-6, 9-23, and 25-51 are pending.

Claims 2, 9, 11, 12, 15-23, 25, 26, and 34-51 are withdrawn.

Claims 1, 3-6, 10, 13, 14, and 27-33 stand rejected.

Claim 1 has been amended to clarity that the computer system processes the "one or more product distribution transactions and the credential validation rule data."

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-6, 10, 13, 14, and 27-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,133,845 to Ginter et al. (hereinafter "*Ginter*") in view of Official Notice. Claims 1, 3-6, 10, 13, 14, and 27-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,133,845 to Ginter et al. (hereinafter "*Ginter*") in view of Official Notice. over U.S. Patent No. 6,662,164 to Koppelman et al. (hereinafter "*Koppelman*") in view of Official Notice. Applicant respectfully traverses the rejections.

As with the previous rejection, the Examiner has applied the rejection to claims 2, 9, 11, 12, 15-23, 25, 26, and 34-51. Since, claims 2, 9, 11, 12, 15-23, 25, 26, and 34-51 are withdrawn, Applicant is applying the rejection to claims 1, 3-6, 10, 13, 14, and 27-33.

With regard to Koppelman, Title 35 U.S.C. § 103(c)(1) states:

> Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

As established in Applicants' previous Office Action response, Applicant respectfully submits that *Koppelman* qualifies as prior art under 35 U.S.C. § 102(e) and that the subject

matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Koppelman was filed on May 19, 1998 and first published on December 9, 2003, the *Koppelman* issue date. The present application was filed on June 29, 2001. Thus, *Koppelman* qualifies as prior art under 35 U.S.C. § 102(e). Applicant submits that the present application and *Koppelman* were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, Trilogy Development Group, Inc.

Thus, Applicant respectfully submits that *Koppelman* is not a proper reference against the present invention under 35 U.S.C. § 103.

With regard to the Official Notice taken by the Examiner, the Manual of Patent Examining Procedure §2144.03 states that:

> Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)).

The Examiner states on p. 2, para. 3 that "Official Notice is taken that product distribution transactions associated with credential information has been common knowledge in the commercial transaction art, as is using the xml format." Applicants respectfully submit that, unless the Examiner can supply documentary evidence to the contrary, the Official Notice should be limited to "in the financial services sector[,] distributors and sales representatives may require certain licenses and appointments in order to legally sell certain financial instruments." Present Application, p. 2, line 20 through p. 3, line 2. Until contradicted by documentary evidence, the Present Application establishes that, "Existing systems do not currently have a mechanism for processing [sales transactions in view of the licenses and/or appointments] in a way that minimizes the time required to process license and appointment data and validate a sales agent's

credentials before distributing compensation to the sales agent for the transaction." Id., p. 3, lines 10-14. If the Examiner's Official Notice exceeds the foregoing scope, Applicants respectfully request that the Examiner submit supporting documentary evidence.

Ginter relates to "systems and methods for secure transaction management and electronic rights protection." *Ginter*, Abstract. Applicants respectfully submit that *Ginter* in view of Official Notice fails to teach or suggest "loading from at least one data source a set of credential validation rule data." Claim 1. *Ginter* does mention "rules and controls." More specifically, *Ginter* teaches that, "The content creator 102 may also specify-rules and "controls" for distributing the content." *Ginter*, col. 55, lines 25-27. Applicants respectfully submit that these distribution related "rules and controls" having nothing to do with the *credential validation rule data* of claim 1. More specifically, the *credential validation rule data* of claim 1 relates to "credential validation rule data to validate the obtained credential information of each of the distributors associated with each of the product distribution transactions in accordance with predetermined validation criteria and to determine whether the validated credential information meets eligibility requirements for compensation associated with each of the obtained product distribution transactions." Claim 1. Specifically, *Ginter* teaches an entirely different context for the "rules and controls". *Ginter* teaches that, "These distribution-related "rules and controls" can specify who has permission to distribute the rights to use content, and how many users are allowed to use the content." *Ginter*, col. 55, lines 27-30.

The Examiner also cites *Ginter* cols. 15, 23, 24, and 45. Applicants respectfully submit that *Ginter* in view of the Official Notice relates to the reliability of transferred data and "in the financial services sector[,] distributors and sales representatives may require certain licenses and appointments in order to legally sell certain financial instruments." Applicants respectfully submit that reliable data transfer and the Official Notice fail to teach or suggest "processing in the computer system the one or more product distribution transactions and the credential validation rule data to validate the obtained credential information of each of the distributors associated with each of the product distribution transactions in accordance with predetermined validation criteria and to determine whether the validated credential information meets eligibility requirements for compensation associated with each of the obtained product distribution transactions" as required by claim 1.

Ginter in col. 14, line 52 through col. 15, line 37 relates to the reliability of transferred data. *Ginter* teaches that "VDE [Virtual Distribution Environment] allows the needs of electronic commerce participants to be served and it can bind such participants together in a universe wide, trusted commercial network that can be secure enough to support very large amounts of commerce." Id., col. 15, lines 13-16. Col. 23 relates to "securely stor[ing] at a user's site potentially highly detailed information reflective of a user's usage of a variety of different content segment types" (col. 23, lines 42-44), "support[ing] trusted chain of handling capabilities for pathways of distributed electronic information and/or for content usage related information" (col. 23, lines 50-52), and "support[ing] flexible auditing mechanisms, such as employing "bitmap meters," that achieve a high degree of efficiency of operation and throughput and allow, in a practical manner, the retention and ready recall of information related to previous usage activities and related patterns (col. 24, lines 14-17).

Column 45 of *Ginter* also relates to secure transactions rather than, for example, "loading from at least one data source a set of credential validation rule data" and "processing in the computer system the one or more product distribution transactions and the credential validation rule data to validate the obtained credential information … in accordance with predetermined validation criteria and to determine whether the validated credential information meets eligibility requirements for compensation associated with each of the obtained product distribution transactions." Claim 1. More specifically, *Ginter* teaches in col. 45, lines 3-15 that VDE content control information may apply differently to different pathway of content and/or control information handling participants."

Accordingly, Applicants respectfully submit that none of the cited teachings of *Ginter* in view of Official Notice teach or suggest:

> obtaining a set of available credential information of each of the
>   distributors;
> storing the set of credential information in the computer system, wherein
>   the credential information is stored in a form that can be processed
>   by the computer system;
> loading from at least one data source a set of credential validation rule
>   data;
> obtaining one or more product distribution transactions associated with
>   one or more distributors; and

> processing in the computer system the one or more product distribution transactions and the credential validation rule data <u>to validate the obtained credential information</u> of each of the distributors associated with each of the product distribution transactions <u>in accordance with predetermined validation criteria and to determine whether the validated credential information meets eligibility requirements for compensation associated with each of the obtained product distribution transactions</u>. Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that claim 1 is allowable over *Ginter* in view of Official Notice and *Koppelman*. For at the same reasons, Applicants respectfully submit that claims directly or indirectly dependent upon claim 1 are also allowable.

Furthermore, Applicants respectfully submit that the Examiner has not made a *prima facie* case of obviousness for the dependent claims. For example, Applicants respectfully submit that the Examiner did not provide a *prima facie* case of obviousness for:

Claim 3 which recites:

> The method of claim 1 wherein said loading from at least one data source <u>said set of credential validation rule data</u> further comprises loading said set of rule data from a standard format data file.

Claim 4 which recites:

> The method of claim 3 wherein said loading said set of rule data from standard format data file further comprises parsing data from a file having an Extensible Markup Language (XML) format.

Claim 5 which recites:

> The method of claim 1 wherein processing in the computer system the rule data further comprises:
>
> > determining a set of rules associated with said collective group by using a set of preconditions to filter among a plurality of rules, said rule data comprising at least one test having an associated type;
> >
> > partitioning said set of rules based on said type of said at least one test associated with said set of rules;
> >
> > preparing said collective group wherein said collective group comprises tests associated with said test type; and

determining for said set of rule data whether said at least one test associated with said set of rules are valid.

Claim 6 which recites:

The method in claim 1 wherein said step of executing a predetermined action further comprises:

computing compensation for each distributor having validated credential information that meets the eligibility requirements for compensation associated with each of the sales transactions.

Claim 10 which recites:

The method of claim 1 wherein said obtaining a set of available credential information further comprises using database connections.

Claim 13 which recites:

The method of claim 1 further comprising:

obtaining the rule data from a data file.

Claim 14 which recites:

The method of claim 3 wherein said data file further comprises a data file having an Extensible Markup Language (XML) format.

Claim 27 which recites:

The method of claim 1 wherein product distribution transactions comprise data related to sales of a product.

Claim 28 which recites:

The method of claim 6 wherein compensation comprises a commission.

Claim 29 which recites:

The method of claim 1 wherein product distributors comprise one or more members of the group consisting of sales agents, sales representatives, supervisors of the sales agents, and supervisors of the sales representatives.

Claim 30 which recites:

The method of claim 1 wherein:

the rule data comprises credential information identifying regulatory constraints for each of the obtained sales transactions placed on

at least one of the distributors associated with said obtained sales transaction; and

processing in the computer system the rule data to validate the obtained credential information comprises determining if said credential information obtained sales transactions placed on at least one of the distributors conforms to said regulatory constraints.

Claim 31 which recites:

The method of claim 1 wherein predetermined validation criteria comprises at least one member of the group comprising:

required educational credits;

required licenses;

required level of liability coverage;

license renewal requirements;

background check; and

residency rules.

Claim 32 which recites:

The method of claim 1 processing in the computer system the rule data further comprises processing the rule data for multiple product distribution transactions comprises batch processing the rule data for multiple product distribution transactions for batches of product distribution transactions.

Claim 33 which recites:

The method of claim 5 wherein the set of preconditions comprises at least one member of the group comprising:

a product class precondition;

a jurisdiction precondition; and

an end date precondition.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

FILED ELECTRONICALLY
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